All About Disputed Ratings

Contractor Past Performance Information Flow

Assessing Official (PM, KO in concert with Acquisition Team) Prepare CPR

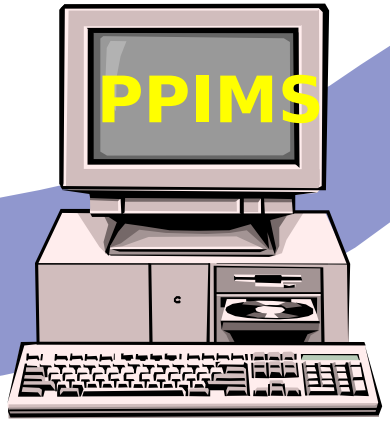
Reviewing Official

Contractor Review and Comment

If Needed

Assessing Official Reconciles

Resolution Authority Approval



Data Available for Source Selection

Source Selection Teams Use Data

Assessment Review

AL 98-1, 42.1503-90 (c) &(d)

Assessment must be reviewed by a designated official at a level above the assessing official.

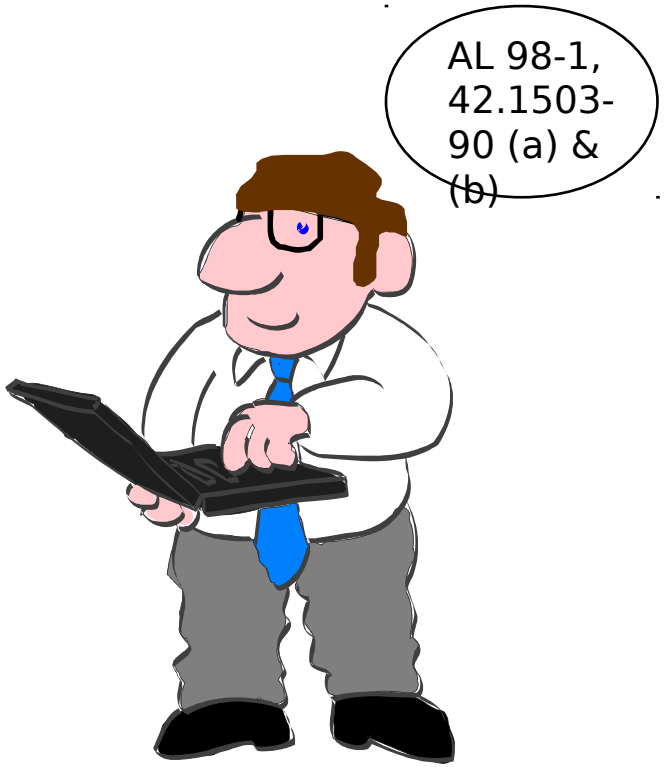
Reviewing Official:

PEO-managed systems-PEO or designee at a level above the PM

For non-PEO managed systems and all other contracts- a level above the assessing official IAW HCA procedures.

When the contractor agrees with the assessment the report is final
and releasable for source selection.

contractor Review of CPR



- **Hard copy of the report to the Contractor within 60 days after the end of the rated period. Cover letter requesting response within 30 days. (Failure to respond denotes agreement with the rating)**

Disputed Ratings

AL 98-1
42.1503-90 (a)

Assessing Official will:

- ✓ **Review all Contractor comments and make appropriate changes as warranted**
- ✓ **Make all reasonable efforts to reconcile the report and the Contractor's comments**
  - ☛ **Agreement is <u>not</u> required**
- ✓ **Forward report and Contractor's rebuttal to the Resolution Authority when report and Contractor comments cannot be reconciled**

Disputed Ratings

AL 98-1
42.1503-90 (a)

Resolution Authority:

- ✓ A senior management official designated by the HCA or PEO/Deputy PEO
- ✓ Renders Agency decision on the assessment
- ✓ Decision of Resolution Authority is final
- ✓ Copy of final report is forwarded to Contractor
- ✓ Report and contractor comments filed together, releasable for sou selections

CPR Procedure Upheld in Protest

- **Loser on C-17 training device contract protested to GAO**
- **Protest based in part on challenge to past performance rating on prior contract**
- **GAO explanation of protest denial reinforced CPR Process:**
  - **Prepare CPR Fairly**
  - **Consider contractor rebuttal**
  - **File CPR and contractor comments together for consideration on future source selections**

GAO File: B-277422, B-277422.2, Oct 14, 1997

In-Class Exercise: Disputed Rating

- Read continuation of CleanIsUs scenario
- As the assessing official, what action (if any) would you take?
- Be prepared to justify your conclusion

School Solution

- **Problem not caused by CleanIsUs**
- **May change rating to "Very Good"**
- **Consider modifying contract**